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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,245	06/15/2001	Philip E. Holmes	36-1440	7054
23117	7590	04/28/2005	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			TIV, BACKHEAN	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/868,245	HOLMES, PHILIP E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 28-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/22/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

Claims 28-50 are pending in this application. Claims 1-27 have been cancelled.

This is a response to the amendment filed on 12/22/04.

***Information Disclosure Statement***

The IDS filed on 12/22/04 has been considered.

***Drawings***

The drawings were received on 12/22/04. These drawings are acceptable.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 40 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 depends on a cancelled claim. For the purpose of an art rejection, the examiner will interpret claim 40 as being dependant on claim 28.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/20646 issued to Melen in view of US Patent 6,003,084 issued to Green et al.(Green).

As per claim 28, 42, Melen teaches a method for generating charging data relating to the use of a communications network link arranged to enable information to be passed between a computer system operated by a user and a computer system arranged to provide the user with content over said communications network link, the communications network link involving at least one client/server relationship comprising a plurality of logical connections(Abstract, page 1), the method comprising:

detecting in at least one logical connection of said client/server relationship at least one event causing a change in a state of at least one logical connection(page 10) recording data created in response to the at least one event detected(page 11-12 second full paragraph); generating charging data on the basis of the recorded data(page 12, paragraph 12); and arranging a compute system to provide the user with access to said communications link(page 12) by:

(a) monitoring changes in the state of logical connections between the user's computer system(page 11, first paragraph, starting with "certain address"), and the computer system arranged to provide the user with content, wherein the use of the logical connections provides said content to the user(page 11-page 12); and

creating the data when the use of the communications link causes at least one of said monitored logical connections to change its stage by being generated and/or terminated(page 11-page 12).

Melen, does not explicitly teach detecting in at least one logical connection of said client/server relationship at least one event causing a change in a state of at least one logical connection defined by at least a client network layer address, a client transport layer address, a server network layer address and a server transport layer address.

Green teaches detecting in at least one logical connection of said client/server relationship at least one event causing a change in a state of at least one logical connection defined by at least a client network layer address, a client transport layer address, a server network layer address and a server transport layer address(Abstract, col.9, line 54-col.10, line 8, Fig.2).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Melen to explicitly detecting in at least one logical connection of said client/server relationship at least one event causing a change in a state of at least one logical connection defined by at least a client network layer address, a client transport layer address, a server network layer address and a server transport layer address as taught by Green in order to monitor and control the exchange of information between two application entities(Green, col.5, lines 18-20).

One skilled in the art would have been motivated to combine Melen and Green in order to provide a method to for network security, in particular a secure system between a requestor and server system(Green, col.1, lines 5-7).

As per claim 29, a method as in claim 28 wherein the use of said logical connection comprises the use of a plurality of socket connections(Melen page 2).

As per claim 30, a method as in claim 29 wherein in said step of recording data a record of the number of all socket connections established and terminated is determined(Melen, page 2).

As per claim 31, a method as in claim 29 wherein said plurality of socket connections are at least partially contemporaneous and relate to the same client/server relationship(Melen, Figs.1-2).

As per claim 32, 44 , a method wherein the information is passed via the computer system arranged to provide access to the user to the computer system arranged to provide content to the user, and wherein the computer system acts as a proxy client and a proxy server(Melen, page 11, Green col.5, lines 34-54). Motivation to combine set forth in claim 28.

As per claim 33 , a method as in claim 32 wherein the charging data is generated by the access providing computer system(Melen, page 12).

As per claim 34, a method as in claim 32 wherein a monitored logical connection comprises at least one socket connection created between the computer system arranged to provide access to the user acting as proxy server and the computer system of the user acting as a client(Melen, Figs.1-2).

As per claim 35, a method as in claim 32 wherein a monitored logical connection comprises at least one socket connection created between the computer system arranged to provide access to the user acting as proxy client and the computer system arranged to provide content to the user acting as a server(Melen, page 2, page 4).

As per claim 36, a method as in claim 28 wherein the computer system arranged to provide access to the user comprises the computer system arranged to provide content to the user(Melen, Abstract).

As per claim 37 , a method as in claim 36 wherein the charging data is generated by the computer system arranged to provide content to the user(Melen, page 4, Abstract).

As per claim 38,45, a method wherein at least one logical connection is selected from the group consisting of: a Transmission Control Protocol (TCP) socket connection, a User Datagram Protocol (UDP) socket connection and an Internet Protocol (IP) socket connection(Melen, page 2, Green col.10, line 1). Motivation to combine set forth in claim 28.

As per claim 39,46, a method wherein the recorded data comprises a record of information extracted from at least one header prepended to information passing between the computer system arranged to provide content to the user and the computer system of the user during the subsistence of the plurality of logical connections(Melen, page 12).

As per claim 40,47, a method wherein at least one header is selected from the group consisting of: all Transmission Control Protocol/Internet Protocol (TCP/IP)

network layer headers, all TCP/IP transport layer headers and all TCP/IP application layer headers(Green, col.4 line 62-col.5, line 5). Motivation to combine set forth in claim 28.

As per claim 41,48, a method wherein the communications network link comprises a permanently activated communications network link(Melen, Figs.1-2).

As per claim 43, apparatus as in claim 42 wherein said charging data is generated from the recorded data on the basis of the amount of time for which each said at least one logical connection comprising a socket connection is established(Melen, page 4, page 12).

As per claim 49, a computer program storage medium on which is stored a server program arranged to implement a method as in claim 28(Melein, Fig.2).

As per claim 50, a method as in claim 28 wherein said content is transmitted in data packets(Melen, page 5).

### ***Response to Arguments***

Applicant's arguments filed 12/22/04, as per claims 1-27, were not considered since these arguments pertains to claims that were cancelled in the amendment.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Backhean Tiv  
2151  
4/11/05



**ZARNI MAUNG**  
**SUPERVISORY PATENT EXAMINER**